

2005 DRAFTING REQUEST

Bill

Received: **09/29/2004**

Received By: **pkahler**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Fath**

This file may be shown to any legislator: **NO**

Drafter: **pkahler**

May Contact:

Addl. Drafters:

Subject: **Public Assistance - Wis works**

Extra Copies:

Submit via email: **NO**

Pre Topic:

DOA:.....Fath, BB0112 -

Topic:

Extend eligibility for W-2 for custodial parent of an infant

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pkahler 09/30/2004	jdyer 10/01/2004		_____			State
/P1			rschluet 10/01/2004	_____	sbasford 10/01/2004		State
/P2	pkahler 01/20/2005	jdyer 01/21/2005	jfrantze 01/21/2005	_____	lemery 01/21/2005		

FE Sent For:

<END>

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/?	pkahler 09/30/2004	jdye 10/01/2004					State
/P1		rschluet 10/01/2004			sbasford 10/01/2004		

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Extend eligibility for W-2 for custodial parent of an infant

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/?	pkahler	P1 10/1/04					

FE Sent For:

10
1
4
<END>

2003-05 Budget Bill Statutory Language Drafting Request

- Topic: Extend Eligibility for W-2 Custodial Parent of an Infant
- Tracking Code: (Assigned by Government Operations Team)
- SBO team: Education BB0112
- SBO analyst: Erin Fath
 - Phone: 266-8219
 - Email: erin.fath@doa.state.wi.us
- Agency acronym: DWD
- Agency number: 445

Date: September 29, 2004
To: Steve Miller
From: Erin Fath *EF*
Subject: Statutory Language Request

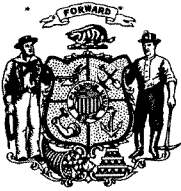
DIN 5510: Extend Eligibility for W-2 Custodial Parent of an Infant

Amend s.49.148 (1m) of the state statutes as follows:

1. Extend the time period that a person may be considered a Custodial Parent of an Infant from 12 weeks to six months.
2. Permit W-2 agencies to require participants in this placement who have a child older than 12 weeks, but younger than 6 months (i.e., last 3 months of eligibility), to participate in an employment position as a condition of eligibility. Note:
 - At this point, there is no indication of the specific number of hour per week (or a minimum or maximum) that the W-2 agency could impose on a participant. For now, please draft the provision broadly, with no reference the number of hours required per week.
 - I am not sure at this point if the intent is to make participants subject to the sanctioning rules that apply to participants in other W-2 employment positions. I'll work with the drafter, as more information becomes available.
3. Make these changes effective January 1, 2006, with the new law first applying to those persons who are newly determined eligible for W-2 on or after January 1, 2006.

If you have any questions, please call me at 6-8219, or send me an email at erin.fath@doa.state.wi.us.

Thank you.



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-0333/7 P1

PJK:.....

SOON

Jld

DOA:.....Fath, BB0112 - Extend eligibility for W-2 for custodial parent of an infant

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

D-note

Health and human services
Wisconsin Works
all caps

do not
gen cat

1

AN ACT relating to: the budget.

Analysis by the Legislative Reference Bureau

Under current law, a person who meets the eligibility requirements for the Wisconsin Works (W-2) program and who is the custodial parent of a child who is 12 weeks old or less may receive a monthly grant of \$673 and may not be required to work in a W-2 employment position. This bill increases the maximum age of the child so that the custodial parent of a child who is six months old or less may receive the monthly grant, however, only a custodial parent of a child who is 12 weeks old or less may not be required to work in an employment position. W-2

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2

SECTION 1. 49.148 (1m) (a) of the statutes is amended to read:

3

49.148 (1m) (a) ~~A~~ An individual who meets the eligibility requirements under

4

s. 49.145 (2) and (3) and who is a custodial parent of a child who is ^{plain} 12 weeks 6 months

1 old or less^{plain} and who meets the eligibility requirements under s. 49.145 (2) and (3) may
2 receive a monthly grant of \$673 unless another adult member of the custodial
3 parent's Wisconsin ~~works~~[✓] Works group is participating in, or is eligible to participate
4 in, a Wisconsin ~~works~~[✓] Works employment position or is employed in unsubsidized
5 employment, as defined in s. 49.147 (1) (c).

6 (am) A Wisconsin ~~works~~[✓] Works agency may not require a participant under this
7 subsection who is a custodial parent of a child who is [✓]12 weeks old or less to
8 participate in any [✓]Wisconsin Works employment positions.

9 (b) 1. Receipt of a grant under this subsection does not constitute participation
10 in a Wisconsin ~~works~~[✓] Works employment position for purposes of the time limits
11 under s. 49.145 (2) (n) or 49.147 (3) (c), (4) (b)[✓], or (5) (b) 2. if the child is born to the
12 participant not more than 10 months after the date that the participant was first
13 determined to be eligible for assistance under s. 49.19 or for a Wisconsin ~~works~~[✓] Works
14 employment position.

15 SECTION 2. 49.148 (1m) (b) [✓]of the statutes is renumbered [✓]49.148 (1m) (b) 2. [✓]

16 SECTION 9354. Initial applicability; [✓]workforce development.

17 (1) ELIGIBILITY OF CUSTODIAL PARENT FOR WISCONSIN WORKS[✓] BENEFITS. The
18 treatment of section [✓]49.148 (1m) (a) and (b) of the statutes first applies to individuals
19 who are newly determined, on the effective date of this subsection, to be eligible for
20 the Wisconsin Works[✓] program under [✓]sections 49.141 to 49.161[✓] of the statutes.[✓]

21 SECTION 9454. [✓]Effective dates; workforce development.

22 (1) ELIGIBILITY OF CUSTODIAL PARENT FOR WISCONSIN WORKS[✓] BENEFITS. The
23 treatment of section 49.148 (1m) (a) and (b)[✓] of the statutes and SECTION [✓]9354 (1) of
24 this act[✓] take effect on January 1, 2006.

25 (END)

D-note

auto ref
A

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0333/8^{P1}dn

PJK:1:....

JLd

Erin:

Note the initial applicability. As you requested, the change in the custodial parent program will first apply to new W-2 participants so that a person who becomes a custodial parent after he or she is already participating will be subject to the old (12-week) age limit. Let me know if this is not correct.

Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
E-mail: pam.kahler@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0333/P1dn
PJK:jld:rs

October 1, 2004

Erin:

Note the initial applicability. As you requested, the change in the custodial parent program will first apply to new W-2 participants so that a person who becomes a custodial parent after he or she is already participating will be subject to the old (12-week) age limit. Let me know if this is not correct.

Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
E-mail: pam.kahler@legis.state.wi.us

Kahler, Pam

From: Fath, Erin
Sent: Thursday, January 20, 2005 11:43 AM
To: Kahler, Pam
Subject: RE: LRB draft 0333/P1

Pam, I think that is how we are going to have to do it. We do not want to retroactively count those month for persons who came on prior to the change in law. Thanks.

-----Original Message-----

From: Kahler, Pam [mailto:Pam.Kahler@legis.state.wi.us]
Sent: Thursday, January 20, 2005 10:56 AM
To: Fath, Erin
Subject: RE: LRB draft 0333/P1

Erin:

I have another question on this initial applicability. For the change re. receipt of a grant counting toward the maximum hours limitation, should that first apply to grants received beginning on the effective date? In other words, I assume that you don't want to count monthly grants received before this change. So, a custodial parent could have received grants before the effective date that did not count but then receive grants (for the same child) after the effective date that do count.

[Kahler, Pam]

-----Original Message-----

From: Fath, Erin
Sent: Wednesday, January 19, 2005 4:53 PM
To: Kahler, Pam
Subject: RE: LRB draft 0333/P1

Pam - yes to your questions below. I guess the only other possibility would be someone who received the grant until their child was 12 weeks old, then either continued or left W-2, and now (after January 1, 2006) goes on to have a 2nd (or 3rd, etc.) child [i.e., the first child is now older than 26 weeks]. They too would be eligible for the 6 month placement. Make sense?

-Erin

-----Original Message-----

From: Kahler, Pam [mailto:Pam.Kahler@legis.state.wi.us]
Sent: Wednesday, January 19, 2005 3:54 PM
To: Fath, Erin
Subject: RE: LRB draft 0333/P1

Erin:

Re. the initial applicability, besides newly eligible people, you want people who are currently getting the grant to be able to continue getting it until the child is 26 weeks old, right? People who were getting the grant but who stopped getting it when the child reached 12 weeks old should be able to get it again until the child reaches 26 weeks, right? The latter, however, if there are any, would not get monthly grants to make up for what they missed, right? Any other possibilities that I missed?

-----Original Message-----

From: Fath, Erin

Sent: Wednesday, January 19, 2005 2:55 PM
To: Kahler, Pam
Subject: RE: LRB draft 0333/P1

Pam see, my responses, below. Erin

-----Original Message-----

From: Kahler, Pam [mailto:Pam.Kahler@legis.state.wi.us]
Sent: Wednesday, January 19, 2005 2:51 PM
To: Fath, Erin
Subject: RE: LRB draft 0333/P1

Re. your question under no. 2, I think we *don't* have to explicitly state that a participant who is custodial parent of a child between 12 and 26 weeks could be sanctioned as provided in s. 49.148 (1) (b) and (c). Is the intention to pay a participant who is a custodial parent and who is in a CSJ or a transitional placement both of the monthly grants, one under s. 49.148 (1) and one under sub. (1m)? NO - the intent is to pay just one monthly grant. If that is the case, I should probably add "under this subsection" after the grant amount in sub. (1m).

Re. number 3, I just want to make sure I've got it. We want receiving a grant under sub. (1m) to constitute participation for those time limit purposes, as under sub. (1m) (b), but we want to get rid of the language about when the child is born, is that correct? YES that is correct.

-----Original Message-----

From: Fath, Erin
Sent: Wednesday, January 19, 2005 1:51 PM
To: Kahler, Pam
Subject: LRB draft 0333/P1

Pam - a few items on this draft:

1. DWD would like to change the reference to maximum age of the child from 6 months to 26 weeks (apparently, using weeks works better for the purpose of entering a participant's data into the CARES system).

2. We would like it to be clear that a W-2 agency could apply sanctions to a custodial parent of a child between 12 and 26 weeks in age who fails to participate in any required activity without good cause (i.e., the participant would lose \$5.15 for each hour missed).

The draft implies [under s. 49.148 (1m)(am)] that a W-2 agency may require a custodial parent of a child between 12 weeks and 6 month (26 weeks) in age to participate in any Wisconsin Works employment positions. "Wisconsin works employment position" is defined under s. 49.141 (1)(r) as "any job or placement under s. 49.147 (3) to (5)". The rules about sanctioning participants, which are addressed under s. 49.148 (1)(b) & (c), refer to participants in a CSJ under s. 49.147 (4) and participants in a transitional placement under s. 49.147 (5). Do you still think we need to state explicitly in this draft that the W-2 agency could sanction a custodial parent of a child between 12 & 26 weeks who fails to participate in any required activity without good cause?

3. DWD says that participation in the custodial parent of an infant placement should actually count towards both the 60-month TANF and 24-month W-2 time limits, regardless of when the child was born. I

believe this is because the maximum time in this placement (26 weeks) is greater than 4 months, which is apparently the marker (federal regulation) for "ongoing assistance". Can you make this change in the draft?

4. Section 9345 (initial applicability): we would like to change this so that all persons who become eligible for the custodial parent of an infant placement are subject to the new 6 month placement, regardless of when they initially became eligible for W-2 in general. Is that possible?

Thanks so much!
-Erin

-----Original Message-----

From: Kahler, Pam [mailto:Pam.Kahler@legis.state.wi.us]
Sent: Thursday, January 13, 2005 3:02 PM
To: Fath, Erin
Subject: RE: Trial Jobs Plus draft

Erin - getting back to you on this question. It seems like the draft may require some language to authorize DWD to sanction a participant under s. 49.148 (1m), because s. 49.151 just says that a participant who refuses to participate 3 times in a W-2 employment position component is ineligible to participate in that component. So that would seem to mean that if a custodial parent is required to work in an employment position but they refuse to 3 times, they would be ineligible for that employment position component, but not ineligible for the monthly grant under s. 49.148, which is not really an employment position.

[Kahler, Pam] -----Original Message-----

From: Fath, Erin
Sent: Wednesday, January 12, 2005 4:41 PM
To: Kahler, Pam
Subject: Trial Jobs Plus draft

Pam - a few minor changes for this draft:

1. Please delete section 9154 (1) Reports on Trial Jobs Plus Demonstration Project.
2. DWD requests using the term "pilot project" instead of "demonstration project (this is because DWD no longer has a commitment from Manpower Demonstration Research Corporation to evaluate the "demonstration project", so they feel more comfortable calling it a pilot project).
3. I reviewed sections 17 and 18 [s. 227.01 (13)(zL)] and it seems fine to me. I don't think there is a problem with repealing the exclusion; I would agree that the exclusion would no longer apply, regardless of whether the project ends for good or becomes permanent in the future.

Other than that, this draft looks great.

DWD may have a few minor changes for LRB drafts 0333 and 0334, but due to the Secretary being out until Saturday, I won't be able to get back to you until this weekend or Monday.

One issue that may come up for draft 0333: Section 1 of the draft amends s. 49.148 (1m)(am) to say that a W-2 agency may

not require a participant with a child who is less than 12 weeks to participate in any W-2 employment position. However, those with a child between 12 weeks and 6 months could be required to participate under this language. DWD has indicated that the intent was for W-2 agencies to be able to require participation by those in this latter group for a maximum of 30 hours per week (that number may change), and that non-participation could result in sanctions. Do you think we need to state that explicitly in the draft?

Also, as a head's up: there is a good chance that we'll be changing the initial applicability for this draft, such that all W-2 participants would be subject to the new 6-month age limit on the custodial parent of an infant placement, regardless of when they became eligible for W-2. But I can't say for sure until after this weekend.

Thanks!

Erin K. Fath

Wisconsin State Budget Office
(608) 266-8219
Erin.Fath@doa.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0333/P2dn
PJK:jld:rs

Erin:

The initial applicability for the eligibility change assumes that, even for persons currently receiving the grant, a determination is going to have to be made as to whether they are still eligible for W-2 and whether the child is 26 weeks old or less. ✓ Arguably, an initial applicability is not even needed: if a person satisfies the statutory requirements, they get the grant, ~~regardless of~~ whether they are currently getting a grant. *1 → or not ✓*

Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
E-mail: pam.kahler@legis.state.wi.us



State of Wisconsin
2005 - 2006 LEGISLATURE

TODAY

LRB-0333/P1

PJK:jld:rs

rm is m

DOA:.....Fath, BB0112 - Extend eligibility for W-2 for custodial parent of an infant

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

WISCONSIN WORKS

Under current law, a person who meets the eligibility requirements for the Wisconsin Works (W-2) program and who is the custodial parent of a child who is 12 weeks old or less may receive a monthly grant of \$673 and may not be required to work in a W-2 employment position. This bill increases the maximum age of the child so that the custodial parent of a child who is six months old or less may receive the monthly grant, however, only a custodial parent of a child who is 12 weeks old or less may not be required to work in a W-2 employment position.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 SECTION 1. 49.148 (1m) (a) of the statutes is amended to read:

3 49.148 (1m) (a) -A An individual who meets the eligibility requirements under

4 s. 49.145 (2) and (3) and who is a custodial parent of a child who is 12 weeks or less

26

plain

old or less and who meets the eligibility requirements under s. 49.145 (2) and (3) may receive a monthly grant of \$673 unless another adult member of the custodial parent's Wisconsin works Works group is participating in, or is eligible to participate in, a Wisconsin works Works employment position or is employed in unsubsidized employment, as defined in s. 49.147 (1) (c).

(am) A Wisconsin works Works agency may not require a participant under this subsection who is a custodial parent of a child who is 12 weeks old or less to participate in any Wisconsin Works employment positions.

(b) 1. Receipt of a grant under this subsection does not constitute participation in a Wisconsin works Works employment position for purposes of the time limits under s. 49.145 (2) (n) or 49.147 (3) (c), (4) (b), or (5) (b) 2. if the child is born to the participant not more than 10 months after the date that the participant was first determined to be eligible for assistance under s. 49.19 or for a Wisconsin works Works employment position.

SECTION 2. 49.148 (1m) (b) of the statutes is renumbered 49.148 (1m) (b) 2.

SECTION 9354. Initial applicability; workforce development.

(1) ^{GRANTS FOR} ~~ELIGIBILITY OF~~ CUSTODIAL PARENT ^{OF INFANT UNDER} ~~FOR~~ WISCONSIN WORKS ~~BENEFITS~~. The treatment of section 49.148 (1m) (a) ^{insert 2-18} of the statutes first applies to individuals who are ^{newly} determined, on the effective date of this ^{paragraph} subsection, to be eligible for the Wisconsin Works program under sections 49.141 to 49.161 of the statutes ^{insert 2-20}.

SECTION 9454. Effective dates; workforce development.

(1) ELIGIBILITY OF CUSTODIAL PARENT FOR WISCONSIN WORKS BENEFITS. The treatment of section 49.148 (1m) (a) and (b) of the statutes and SECTION 9354 (1) of this act take effect on January 1, 2006.

(END)

Insert 2-15

Insert 2-21

Eligibility

D-note

2005-2006 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0333/P2ins
PJK:jld:rs

INSERT A

note Current law also provides generally that receiving a monthly grant as the custodial parent of an infant counts toward the time limits that apply to how long an individual may receive certain benefits only if the child was born more than 10 *ten* months after the date *on which* the individual was first determined to be eligible for W-2.

on which (END OF INSERT A)

INSERT B

note . Only if the *NO* ~~it~~

(END OF INSERT B)

INSERT C

note The bill also provides that receiving a monthly grant as the custodial parent of an infant counts toward the time limits that apply to how long an individual may receive certain benefits regardless of when the child was born in relation to when the individual was first determined to be eligible for W-2.

(END OF INSERT C)

INSERT 2-15

1 (am) [✓] A Wisconsin works Works agency may not require a participant under this
2 subsection who is a custodial parent of a child who is 12[✓] weeks old or less to
3 participate in any Wisconsin Works employment positions. Receipt of a grant under
4 this subsection does not constitute participation in a Wisconsin works employment
5 position for purposes of the time limits under s. 49.145 (2) (n) or 49.147 (3) (c), (4) (b),
6 or (5) (b) 2. if the child is born to the participant not more than 10 months after the
7 date that the participant was first determined to be eligible for assistance under s.
8 49.19 or for a Wisconsin works employment position.

9 SECTION 1. 49.148 (1m) (b) [✓] of the statutes is amended to read:
10 49.148 (1m) (b) Receipt of a grant under this subsection constitutes
11 participation in a Wisconsin works Works [✓] employment position for purposes of the



Ins 2-15 cont'd

1 time limits under ss. 49.145 (2) (n) and 49.147 (3) (c), (4) (b), or (5) (b) 2. if the child
2 is born to the participant more than 10 months after the date that the participant
3 was first determined to be eligible for assistance under s. 49.19 or for a Wisconsin
4 works employment position[✓] unless the child was conceived as a result of a sexual
5 assault in violation of s. 940.225 (1), (2), or (3) in which the mother did not indicate
6 a freely given agreement to have sexual intercourse or of incest in violation of s.
7 944.06 or 948.06 and that incest or sexual assault has been reported to a physician
8 and to law enforcement authorities.

History: 1995 a. 289; 1997 a. 27; 1999 a. 9.

(END OF INSERT 2-15)

INSERT 2-18

9 *not* (with respect to eligibility for a grant) *NO*
or

(END OF INSERT 2-18)

INSERT 2-20

10 *not* and to be custodial parents of children who are [✓]26 weeks old or less *NO*
or

(END OF INSERT 2-20)

INSERT 2-21

11 *nonstat: par* *#b* (a) *←* Constituting participation in employment position. The treatment of
12 section 49.148 (1m) (a)[✓] (with respect to receipt of grants not constituting
13 participation in a Wisconsin Works[✓] employment position) and (b)[✓] of the statutes first
14 applies to grants received under section 49.148 (1m) of the statutes on the effective
15 date of this paragraph.[✓]

(END OF INSERT 2-21)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0333/P2dn
PJK:jld:jf

January 21, 2005

Erin:

The initial applicability for the eligibility change assumes that, even for persons currently receiving the grant, a determination is going to have to be made as to whether they are still eligible for W-2 and whether the child is 26 weeks old or less. Arguably, an initial applicability is not even needed: if a person satisfies the statutory requirements, they get the grant, whether they are currently getting a grant or not.

Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
E-mail: pam.kahler@legis.state.wi.us

DOA:.....Fath, BB0112 - Extend eligibility for W-2 for custodial parent of an infant

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

WISCONSIN WORKS

Under current law, a person who meets the eligibility requirements for the Wisconsin Works (W-2) program and who is the custodial parent of a child who is 12 weeks old or less may receive a monthly grant of \$673 and may not be required to work in a W-2 employment position. Current law also provides generally that receiving a monthly grant as the custodial parent of an infant counts toward the time limits that apply to how long an individual may receive certain benefits only if the child was born more than ten months after the date on which the individual was first determined to be eligible for W-2.

This bill changes the eligibility requirement by increasing the maximum age of the child so that the custodial parent of a child who is 26 weeks old or less may receive the monthly grant. Only if the child is 12 weeks old or less, however, may the custodial parent not be required to work in a W-2 employment position. The bill also provides that receiving a monthly grant as the custodial parent of an infant counts toward the time limits that apply to how long an individual may receive certain benefits regardless of when the child was born in relation to when the individual was first determined to be eligible for W-2.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 49.148 (1m) (a) of the statutes is amended to read:

2 49.148 (1m) (a) ~~A An individual who meets the eligibility requirements under~~
3 ~~s. 49.145 (2) and (3) and who is a custodial parent of a child who is 12 26 weeks old~~
4 ~~or less and who meets the eligibility requirements under s. 49.145 (2) and (3) may~~
5 ~~receive a monthly grant of \$673 unless another adult member of the custodial~~
6 ~~parent's Wisconsin works Works group is participating in, or is eligible to participate~~
7 ~~in, a Wisconsin works Works employment position or is employed in unsubsidized~~
8 ~~employment, as defined in s. 49.147 (1) (c).~~

9 (am) A Wisconsin works Works agency may not require a participant under this
10 subsection who is a custodial parent of a child who is 12 weeks old or less to
11 participate in any Wisconsin Works employment positions. Receipt of a grant under
12 ~~this subsection does not constitute participation in a Wisconsin works employment~~
13 ~~position for purposes of the time limits under s. 49.145 (2) (n) or 49.147 (3) (c), (4) (b),~~
14 ~~or (5) (b) 2. if the child is born to the participant not more than 10 months after the~~
15 ~~date that the participant was first determined to be eligible for assistance under s.~~
16 ~~49.19 or for a Wisconsin works employment position.~~

17 **SECTION 2.** 49.148 (1m) (b) of the statutes is amended to read:

18 49.148 (1m) (b) Receipt of a grant under this subsection constitutes
19 participation in a Wisconsin works Works employment position for purposes of the
20 time limits under ss. 49.145 (2) (n) and 49.147 (3) (c), (4) (b), or (5) (b) 2. ~~if the child~~
21 ~~is born to the participant more than 10 months after the date that the participant~~

1 ~~was first determined to be eligible for assistance under s. 49.19 or for a Wisconsin~~
2 ~~works employment position~~ unless the child was conceived as a result of a sexual
3 assault in violation of s. 940.225 (1), (2), or (3) in which the mother did not indicate
4 a freely given agreement to have sexual intercourse or of incest in violation of s.
5 944.06 or 948.06 and that incest or sexual assault has been reported to a physician
6 and to law enforcement authorities.

7 **SECTION 9354. Initial applicability; workforce development.**

8 (1) GRANTS FOR CUSTODIAL PARENT OF INFANT UNDER WISCONSIN WORKS.

9 (a) *Eligibility.* The treatment of section 49.148 (1m) (a) (with respect to
10 eligibility for a grant) of the statutes first applies to individuals who are determined,
11 on the effective date of this paragraph, to be eligible for the Wisconsin Works
12 program under sections 49.141 to 49.161 of the statutes and to be custodial parents
13 of children who are 26 weeks old or less.

14 (b) *Constituting participation in employment position.* The treatment of
15 section 49.148 (1m) (a) (with respect to receipt of grants not constituting
16 participation in a Wisconsin Works employment position) and (b) of the statutes first
17 applies to grants received under section 49.148 (1m) of the statutes on the effective
18 date of this paragraph.

19 **SECTION 9454. Effective dates; workforce development.**

20 (1) ELIGIBILITY OF CUSTODIAL PARENT FOR WISCONSIN WORKS BENEFITS. The
21 treatment of section 49.148 (1m) (a) and (b) of the statutes and SECTION 9354 (1) of
22 this act take effect on January 1, 2006.

23 (END)